

### **REMARKS**

The Applicants and the undersigned thank Examiner Desir for a careful review of this application.

Upon entry of this Amendment, Claims 1-10 and 21-30 are pending in the present application, with Claims 1 and 22 being independent claims. The Examiner has rejected Claims 1-10. The Applicants have added new Claims 21-30 without adding new matter to the application. The Applicants have cancelled Claims 11-20, which the Examiner withdrew from consideration following an Election of Species Requirement. These claims are cancelled without prejudice to, or disclaimer of, the subject matter recited therein.

#### **Independent Claim 1 is Patentable over the Cited Reference**

The Examiner rejected independent Claim 1 based on the assertion that U.S. Patent 6,625,581 to Perkowski anticipates that claim. Applicants offer the following remarks to traverse the pending rejection.

Claim 1, as amended, is a method claim for collecting stocking data for a restaurant via a hand-held computer and transmitting the stocking data to a data center. Applicants respectfully submit that *Perkowski* does not anticipate that claim, because amended Claim 1 recites at least four features that *Perkowski* does not disclose, teach, or suggest.

As a first distinguishing feature, the invention of amended Claim 1 requires receiving stocking data for a restaurant. The sections of *Perkowski* that the Examiner cited do not disclose receiving stocking data for a restaurant. In contrast to receiving restaurant stocking data, *Perkowski* discloses a process for registering consumer products. See *Perkowski*, column 80, lines 37-39.

As a second distinction between Claim 1 and the cited sections of *Perkowski*, the amended claim recites a step of removing a hand-held computer from a cradle at the restaurant. While *Perkowski* may disclose a hand-held computer, the cited sections of this reference do not disclose a cradle from which a hand-held computer is removed in accordance with the recitations of Claim 1. See *Perkowski*, Figure 3A8.

**In the drawings**

Please amend Figure 6 in the drawings by substituting the replacement sheet that is attached hereto as Exhibit A for the corresponding drawing sheet that the Applicants originally filed with the patent application on January 18, 2002.

As a third distinction, the method of Claim 1 requires a step of displaying an indication that transmission of stocking data to the data center is in progress. The sections of *Perkowski* that the Examiner cited do not disclose, teach, or suggest displaying an indication that a data transmission is in progress. In contrast to displaying an indication that a transmission is in progress, *Perkowski* teaches displaying a Manufacturer's Registration Form at the end of a downloading process. See *Perkowski* column 80, lines 44-51.

As a fourth distinction, amended Claim 1 recites a data center that transmits stocking data to a restaurant supplier that supplies the restaurant based on that data. In the cited sections, *Perkowski* does not disclose transmitting stocking data to a restaurant supplier that supplies the restaurant based on the stocking data. In contrast to those recitations of Claim 1, *Perkowski* discloses a method of and system for delivering consumer product related information to consumers over the Internet. See *Perkowski*, Abstract. In further contrast to a data center that transmits stocking data to a restaurant supplier, *Perkowski* teaches databases that maintain "...UPN/URLs [universal product numbers/uniform resource locators] menus and other CPI [consumer product information] related information collected by each department ..." See *Perkowski*, column 84, lines 58-63.

In view of the foregoing discussion of distinctions between amended Claim 1 and the Examiner's citations of *Perkowski*, Applicants submit that *Perkowski* fails to disclose, teach, or suggest the invention of Claim 1. Accordingly, Applicants respectfully request that the Examiner withdraw the pending rejection of Claim 1 and all claims dependent thereon.

### **Dependent Claims 2-10 and 21 are Patentable over *Perkowski***

Amended Claims 2-10 and new Claim 21 depend from Claim 1 and thereby incorporate the limitations of that claim. Those dependent claims also include additional limitations that further distinguish them from *Perkowski*.

Claim 2, as amended, recites transmitting a standard restaurant supply order from the data center. The Examiner's citations from *Perkowski* do not disclose transmitting a standard restaurant supply order. The Examiner asserts that in lines 3-9 of column 81 *Perkowski* discloses a data set that is a standard order. Applicants respectfully submit that this citation from

*Perkowski* does not disclose a standard order. In contrast to disclosing transmitting a standard order, *Perkowski* discloses transmitting software that generates a database management system and allows a manufacturer to build a database of universal product numbers (UPNs) and uniform resource locators (URLs) specific to the manufacturer's products. While the UPNs and URLs that *Perkowski* discloses may be standard product identifiers and network addresses, they are not standard restaurant supply orders in accordance with the invention of Claim 2. See *Perkowski*, column 81, lines 3-9.

The Examiner objected to Claim 2 alleging informality of the phrase "independent computer." Applicants have amended Claim 2 so that it no longer recites the phrase "independent computer." Accordingly, Applicants respectfully request that the Examiner withdraw the objection.

The invention of amended Claim 5, which depends from Claim 1 and from intervening Claim 4, requires a data center that connects a plurality of restaurants to a plurality of restaurant suppliers wherein each restaurant uses an individualized version of the hand-held computer. The sections of *Perkowski* that the Examiner cited do not teach or suggest individualizing a hand-held computer in accordance with the recitations of Claim 5. See *Perkowski*, Figure 3A8.

Claim 7, as amended, recites a data processing system that provides a clearinghouse for a plurality of restaurants. Applicants submit that the cited sections of *Perkowski* do not disclose a data processing system that provides a clearinghouse in accordance with the recitations of Claim 7.

The method of amended Claim 9 requires a step of configuring a touch-activated display on a hand-held computer to render visual output in one of four supported orientations. While *Perkowski* may disclose a hand-held computing device with a display, the cited sections of *Perkowski* do not teach configuring the display to render output in one of four supported orientations. See *Perkowski*, Figure 3A8.

Claim 21, which the Applicants have added, recites that the hand-held computer comprises an ambidextrous grip channel. The hand-held computer that Figure 3A8 of *Perkowski* illustrates does not comprise an ambidextrous grip channel.

In view of the distinctions outlined above between *Perkowski* and Claims 2-10 and 21, Applicants respectfully request withdrawal of the pending rejection of Claims 2-10 and allowance of Claims 2-10 and 21.

**Independent Claim 22 is Patentable over *Perkowski***

Applicants have added Claim 22 and Claims 23-30, which depend thereon, to provide a scope of protection commensurate with the original disclosure. Claim 22 is an independent claim of a method for ordering food supplies. Applicants submit that Claim 22 is patentable over *Perkowski* because that claim recites features that the reference does not disclose, suggest, or teach.

The invention of Claim 22 requires a step of receiving a predetermined food supply order at a hand-held computer docked in a cradle at a restaurant. As discussed above with reference to Claim 1, the sections of *Perkowski* cited by the Examiner do not disclose a cradle for a hand-held computer. Those sections of *Perkowski* also fail to teach or suggest receiving a predetermined food supply order at a restaurant. In contrast to receiving a food supply order, *Perkowski* teaches a process for registering consumer products. See *Perkowski*, column 80, lines 37-39.

Claim 22 also recites a step of adapting the predetermined food supply order in response to incrementing or decrementing a quantity of a line item on that order. In the sections that the Examiner cited, *Perkowski* does not disclose incrementing or decrementing a quantity of a line item on a predetermined food supply order. In contrast to incrementing or decrementing a quantity of a line item on a predetermined food supply order in accordance with the recitations of Claim 22, *Perkowski* discloses a manufacturer entering requested identification information, such as names and addresses, on a Manufacturer Registration Form. See *Perkowski*, column 80, lines 44-51.

The recitations of Claim 22 regarding the data processing center further distinguish that claim from the disclosure in the cited sections of *Perkowski*. The data processing center of Claim 22 stores data transmission profiles for food distributors, aggregates and consolidates food supply orders from plural restaurants, and formats and transmits food supply orders to a food distributor. The sections of *Perkowski* cited by the Examiner do not disclose a data processing

center that performs the actions recited by Claim 22. In contrast to the data processing center of Claim 22, *Perkowski* discloses a server for registering manufacturers that maintains a database of universal product numbers/uniform resource locators (UPN/URLs) related to the manufacturers' products. See *Perkowski*, column 9, lines 39-46.

Applicants submit Claim 22 is allowable over *Perkowski* in view of the foregoing remarks and respectfully request that the Examiner allow that claim.

**Dependent Claims 23-30 are Patentable over *Perkowski***

New Claims 23-30 depend from Claim 22 and therefore are distinguishable from *Perkowski* at least for the reasons that Claim 22 is distinguishable therefrom. Claims 23-30 also recite features further defining the present invention over the cited reference, and Applicants submit that the cited document does not disclose or suggest integrating those features into the presently claimed invention. Accordingly, Applicants request separate and individual consideration of each dependent claim.

The invention of Claim 23 requires that the data processing center stores transmission histories and validates the adapted food supply order. The cited sections of *Perkowski* do not disclose a data processing center that stores transmission histories and validates a food supply order. The contrasting teachings of *Perkowski* include a server system that stores an Internet product directory (IPD) of a manufacturer's product codes and Internet addresses. See *Perkowski*, column 24, lines 37-46. *Perkowski*'s disclosed server system functions within a system that delivers consumer product related information to consumers over the Internet. See *Perkowski*, Abstract.

With regards to Claim 24, as discussed above in reference Claim 7, Applicants respectfully submit that the Examiner has not cited a section of *Perkowski* that discloses a data processing system that functions as a clearinghouse for a plurality of food distributors.

Applicants submit that Claim 26, which recites an ambidextrous groove, is distinguishable from *Perkowski* for similar reasons that Claim 21 is distinguishable therefrom as discussed in the above remarks. Applicants also submit that the recitation in Claim 28 of showing a graphic that indicates transmission progress distinguishes that claim from *Perkowski*

for reasons similar to those discussed above in the remarks regarding Claim 1. Claim 30 includes a recitation related to configuring a touch-activated display in one of two orientations that bears similarity to certain features of Claim 9, which is discussed above. Thus, Applicants submit that both Claim 9 and Claim 30 are distinguishable from *Perkowski*.

Accordingly, Applicants submit that each of Claims 23-30 is distinguishable from *Perkowski* and respectfully request allowance of these new claims.

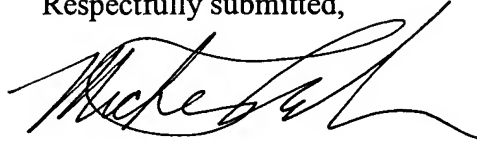
### **Replacement Sheet**

Applicants submit the attached drawing replacement sheet in response to the Examiner's objection to Figure 6 as originally filed. Applicants submit that Figure 6 as amended adequately relates each reference number to the drawing element to which it pertains. Accordingly, Applicants respectfully request that the Examiner withdraw the objection.

### **CONCLUSION**

The foregoing is submitted as a full and complete response to the Official Action mailed October 26, 2004. Applicants thank Examiner Desir for consideration of the amendments. Applicants have shown that the pending claims are allowable and allowance of the claims is respectfully requested. It is believed that this response places the application in condition for allowance. Such action is courteously requested. If there are any issues that can be resolved with an Examiner's Amendment or a telephone conference, a telephone call to the undersigned at 404.572.3486 is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael L. Wach", with a stylized, flowing script.

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